

by the Department's 1979 policy review, and by the 1996 Clarification of Intercollegiate Athletics Policy Guidance.

These policies have remained unchanged for 20 years, thanks to the affirmation of both Republican and Democratic administrations. Instead of evaluating proposals that could weaken title IX, the administration should focus on efforts to continue to build on its history of success.

The argument used by detractors of title IX in favor of the Commission's recommendations is that title IX has increased athletic opportunities for women to the detriment of those available to men. This is simply not true.

Today, the Senate must take a strong stand in favor of title IX as it is currently written and enforced. Title IX is an integral part of the effort to provide America's students with the opportunities they need and deserve to achieve their full potential, and we must not retreat from this goal. I urge my colleagues to join me in support of this important resolution.

Mr. KENNEDY. Mr. President, Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in all education programs and activities that receive Federal funding, including sports. When Congress passed this important civil rights law, it intended to give girls and women opportunities equal to those of boys and men in all education programs receiving taxpayer dollars. Today, on opening day of the Women's National Basketball Association's seventh season, we see again the enormous impact of Title IX on women's sports. Since its first season in 1997, the WNBA has doubled its number of teams from 8 to 16. Last year, millions of fans from countries throughout the world tuned to see 176 women play professional basketball in 256 regular-season WNBA games.

Over the past 31 years, Title IX has expanded athletic opportunities at all levels for all women. Fewer than 32,000 women participated in college sports before Title IX. Today, the number is 163,000. Opportunities for girls in high school have grown even more incredibly, from 294,000 to almost 2.8 million.

Athletic opportunities contribute to better health for women, and they also translate into better outcomes in many other areas as well. Participation in sports builds confidence, improves self-esteem, reduces stress, teaches teamwork, and improves achievement in education.

The female athletes of the past 31 years who have reaped the benefits of Title IX are a tribute to its success. Countless women have taken the lessons they learned on the playing field and applied them to the rest of their lives. They serve as role models for us all. And one of the things they have proved so clearly is that when the opportunities are there, women will show up to play.

But it's never clear sailing for Title IX. Despite all the progress in athletic

opportunities under the current law, women continue to lag behind men in playing time and funding. Women in Division I colleges comprise 53 percent of the student body, but they receive only 41 percent of the opportunities to play in intercollegiate sports, 43 percent of athletic scholarship dollars, 36 percent of athletic budgets, and 32 percent of the dollars spent to recruit new athletes.

Even though parity is not yet achieved, a movement is under way to undermine Title IX. The Bush Administration's Commission on Opportunity in Athletics has issued recommendations that would drastically reduce its enforcement and put women and girls at a disadvantage by permitting schools to reduce athletic opportunities and scholarships for women. The Women's Sports Foundation estimates that college women would lose 50,000 slots and \$122 million in scholarships under one of the Commission proposals. High school girls would lose 305,000 opportunities. What is needed is even stronger enforcement of Title IX, not weakening or modifying it. The Department of Education should concentrate its efforts on fully and fairly enforcing the existing law through existing mechanisms.

Current law on Title IX is fair, and it provides schools with flexibility in meeting its requirements. They can comply in any one of three ways: by showing that the percentages of male and female athletes are substantially proportionate to the percentage of male and female student enrolled full-time; by demonstrating a history and continuing practice of program expansion to meet the needs of the underrepresented athletes; or by demonstrating that their interests and abilities have been fully and effectively accommodated.

This three-part test has been in place for over two decades, and has been supported by both Republican and Democratic administrations. It has been upheld by all eight Federal Courts of Appeals who have considered it.

Some critics claim that the first prongs of the three prong test, called the proportionality test, has become the de facto test of compliance. But in fact, 2 out of 3 schools comply with Title IX through the second and third options, not through proportionality.

The major complaint is that Title IX has hurt men's sports. Yet, since the beginning of Title IX implementation, men's participation in intercollegiate sports has actually increased, and so has the total number of teams for men. Nothing in Title IX or its policies requires schools to reduce men's opportunities. 72 percent of colleges and universities that had added women's teams have done so without cutting any teams for men. When schools have discontinued men's or women's teams, a lack of student interest was cited as the most important factor in the decision. Schools also discontinue men's and women's teams because of choices

about how to allocate their resources. These decisions are not the product of a Title IX mandate.

Unfortunately, the President's Commission was not representative of the whole Title IX community. Two-thirds of the Commissioners represented Division I-A colleges, which have the largest men's basketball and football budgets and therefore the most to gain from weakening Title IX. No Division II or III colleges, no community colleges, and no high schools were represented, even though they tend to have the most successful record of implementation of Title IX. Twice as many opponents of Title IX were asked to testify before the Commission, compared to proponents of the law. Institutions that had been sued for non-compliance and lost their cases were invited to testify, but the women who were discriminated against and who brought these suits and the schools that have complied with the law successfully were not invited.

In response to the unfairness of the process and resulting findings, two of the Commissioners issued a minority report summarizing the problems with the Commission and its recommendations. Secretary of Education Paige has refused to consider the concerns raised in the minority report. Needless to say, the Commission was not fair and impartial, and it should not be the basis by which Congress judges Title IX. The Commission's proposals contradict the spirit of athletic equality and the intent to prohibit discrimination against girls and women in education.

Today, we submit a bipartisan resolution to maintain Title IX and strengthen its enforcement. Only then will full promise be achieved. We must retreat from the Nation's commitment to equal opportunity for women and girls in education and athletics. Girls and boys, women and men, need education opportunities such as athletics to allow them to build character, self-esteem and motivation. The past 31 years demonstrate the amazing advances that women and girls have made in athletics when they are given the opportunities to play, and it would be shameful for Congress or the Administration to misuse that extraordinary success as an excuse to retreat now.

AMENDMENTS SUBMITTED AND PROPOSED

SA 799. Mr. GRAHAM, of South Carolina submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 800. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 801. Mrs. FEINSTEIN (for herself, Mr. REID, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 1050, *supra*; which was ordered to lie on the table.

SA 802. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1050, *supra*; which was ordered to lie on the table.

SA 803. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1050, *supra*; which was ordered to lie on the table.

SA 804. Mr. WARNER (for Mr. SMITH) proposed an amendment to the bill S. 1050, *supra*.

SA 805. Mr. LEVIN (for Mr. SARBANES (for himself and Ms. MIKULSKI)) proposed an amendment to the bill S. 1050, *supra*.

SA 806. Mr. LEVIN (for Mr. BIDEN (for himself and Mr. CARPER)) proposed an amendment to the bill S. 1050, *supra*.

SA 807. Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 1050, *supra*.

SA 808. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1050, *supra*.

SA 809. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1050, *supra*.

SA 810. Mr. WARNER (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 1050, *supra*.

SA 811. Mr. WARNER (for himself and Mr. THOMAS) proposed an amendment to the bill S. 1050, *supra*.

SA 812. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1050, *supra*.

SA 813. Mr. WARNER (for Mr. SPECTER) proposed an amendment to the bill S. 1050, *supra*.

SA 814. Mr. WARNER (for Mr. CHAMBLISS) proposed an amendment to the bill S. 1050, *supra*.

SA 815. Mr. LEVIN (for Ms. MIKULSKI) proposed an amendment to the bill S. 1050, *supra*.

SA 816. Mr. WARNER (for Mr. BENNETT) proposed an amendment to the bill S. 1050, *supra*.

SA 817. Mr. WARNER (for Mr. MCCAIN (for himself, Mr. SESSIONS, Mr. GRAHAM, of South Carolina, and Mr. BAYH)) proposed an amendment to the bill S. 1050, *supra*.

SA 818. Mr. LEVIN (for Mrs. BOXER) proposed an amendment to the bill S. 1050, *supra*.

SA 819. Mr. WARNER proposed an amendment to the bill S. 1050, *supra*.

SA 820. Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill S. 1050, *supra*.

SA 821. Mr. LEVIN (for Ms. LANDRIEU (for himself, Mr. LEVIN, Ms. MURKOWSKI, and Mr. BREAUX)) proposed an amendment to the bill S. 1050, *supra*.

SA 822. Mr. WARNER proposed an amendment to the bill S. 1050, *supra*.

SA 823. Mr. LEVIN (for Ms. LANDRIEU (for himself and Mr. BREAUX)) proposed an amendment to the bill S. 1050, *supra*.

SA 824. Mr. LEVIN (for Mrs. FEINSTEIN (for himself, Mr. REID, and Mrs. BOXER)) proposed an amendment to the bill S. 1050, *supra*.

SA 825. Mrs. BOXER (for herself and Mr. CORZINE) proposed an amendment to the bill S. 1050, *supra*.

SA 826. Mr. WARNER (for himself, Mrs. BOXER, and Mr. LAUTENBERG) proposed an amendment to the bill S. 1050, *supra*.

SA 827. Mr. DOMENICI (for himself, Mr. MCCAIN, Mr. NELSON, of Florida, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1050, *supra*; which was ordered to lie on the table.

SA 828. Mr. LEVIN (for Mr. KERRY (for himself and Mr. KENNEDY)) proposed an amendment to the bill S. 1050, *supra*.

SA 829. Mr. WARNER (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill S. 1050, *supra*.

SA 830. Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1050, *supra*.

SA 831. Mr. WARNER (for Mr. DOMENICI (for himself, Mr. MCCAIN, Mr. NELSON, of Florida, and Mr. CORNYN)) proposed an amendment to the bill S. 1050, *supra*.

TEXT OF AMENDMENTS

SA 799. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, between lines 7 and 8, insert the following:

SEC. 235. COLLABORATIVE INFORMATION WARFARE NETWORK.

(a) INCREASE IN RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by \$8,000,000.

(b) AVAILABILITY FOR COLLABORATIVE INFORMATION WARFARE NETWORK.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), \$8,000,000 may be available for the Collaborative Information Warfare Network.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by \$8,000,000.

SA 800. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. BORON ENERGY CELL TECHNOLOGY.

(a) INCREASE IN RDT&E, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by \$5,000,000.

(b) AVAILABILITY FOR BORON ENERGY CELL TECHNOLOGY.—(1) of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), \$5,000,000 may be available for research, development, test, and evaluation on boron energy cell technology.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET FROM OPERATIONS AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1), for operations

and maintenance for the Army is hereby reduced by \$5,000,000.

SA 801. Mrs. FEINSTEIN (for herself, Mr. REID, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 332. SUBMITTAL OF SURVEY ON PERCHLORATE CONTAMINATION AT DEPARTMENT OF DEFENSE SITES.

(a) SUBMITTAL OF PERCHLORATE SURVEY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress the 2001 survey to identify the potential for perchlorate contamination at all active and closed Department of Defense sites that was prepared by the United States Air Force Research Laboratory, Aerospace Expeditionary Force Technologies Division, Tyndall Air Force Base and Applied Research Associates.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

- (1) the Committee on Environment and Public Works of the Senate; and
- (2) the Committee on Energy and Commerce of the House of Representatives.

SA 802. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, between lines 11 and 12, and insert the following:

SEC. 213. COMPOSITE SAIL TEST ARTICLES.

(a) AMOUNT FOR ARTICLES.—Of the total amount authorized to be appropriated under section 201(2) for Virginia class submarine development, \$2,000,000 shall be available for the development and fabrication of composite sail test articles for incorporation into designs for future submarines.

(b) ADJUSTMENTS IN AUTHORIZATIONS OF APPROPRIATIONS.—(1) The total amount authorized to be appropriated under section 201(2) is hereby increased by \$2,000,000, the additional amount to be available for Virginia class submarine development.

(2) The total amount authorized to be appropriated under section 104 is hereby reduced by \$2,000,000, to be derived from amounts for Special Operations Forces operational enhancements.

SA 803. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year